



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Order Instituting Rulemaking to Consider the Adoption of
a General Order and Procedures to Implement the Digital
Infrastructure and Video Competition Act of 2006.

Rulemaking 06-10-005
(Filed October 25, 2006)

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION OF THE
GREENLINING INSTITUTE**

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April 2, 2007

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I. INTRODUCTION

Pursuant to Rules 76.71 *et seq.* of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission” or “CPUC”) and Sections 1801 *et seq.* of the California Public Utilities Code (“CPUC Code”), the Greenlining Institute (“Greenlining”) hereby files this Notice of Intent (“NOI”) to claim compensation in this proceeding to implement the Digital Infrastructure and Video Competition Act of 2006 (“DIVCA”) (*see also* AB 2987, Ch. 700, Stats. 2006).

II. GREENLINING REPRESENTS CUSTOMER INTERESTS THAT ARE OTHERWISE UNREPRESENTED AND DEVELOP ISSUES AND TESTIMONY IN AREAS NOT ADDRESSED BY THE OTHER PARTIES HEREIN

Greenlining and its individual coalition members¹ represent the interests of those who have traditionally been marginalized or excluded from the public utility process: minority, low-income, inner city, and other vulnerable and underserved communities.

¹ The Greenlining Coalition includes but is not limited to the following groups: Allen Temple Baptist Church; American GI Forum; Asian Business Association; Asian Enterprise; Black Business Association; California Hispanic Chambers of Commerce; California Journal for Filipino Americans; California Rural Legal Assistance; Chicano Federation, San Diego; Council of Asian American Business Association; Filipino-American Chamber of Commerce, Los Angeles; Filipino-American Political Association; First AME Church, Los Angeles; Hermandad Mexicana Nacional; Hmong American Political Association; Japan Pacific Resources Network; Latin Business Association; Latino Issues Forum; Mexican-American Grocers Association; Mexican-American Political

Greenlining represents customer interests that would otherwise be unrepresented or underrepresented before this Commission. Greenlining is unique in that we bring to the table the perspectives, experiences, and interests of minority, low-income, inner city, and other vulnerable and underserved communities – that is, those with little to no disposable income who will be most deeply affected by a changes in rates and/or available services that may occur as a result of the implementation of DIVCA.

In this proceeding, Greenlining seeks to coordinate with other intervenors to avoid duplication of effort and to assist in the Commission’s efforts to protect consumers.

III. GREENLINING QUALIFIES AS A CUSTOMER AND IS AUTHORIZED TO REPRESENT THE INTERESTS OF RESIDENTIAL AND SMALL BUSINESS CUSTOMERS BEFORE THIS COMMISSION

Greenlining’s members and constituents are purchasers of energy services from utilities in California, qualifying us to file this NOI as “customers” pursuant to PU Code § 1802(b). Greenlining will represent low-income, minority, and other underserved residential and small business utility customers in this proceeding. In compliance with D. 98-04-059, Conclusion of Law 5 and Finding of Fact 12, Greenlining estimates that its members represent a constituency that is divided approximately 75-25% between residential customers and small business customers, respectively. These percentages represent Greenlining’s best estimates only.

Article II, Section 17 of Greenlining’s by-laws authorizes it to represent the “interests of low income communities, minorities, and residential ratepayers” before regulatory agencies and

Association; Mission Language & Vocational School; Mothers of East Los Angeles; National Asian Pacific Publishers Association; National Black Business Council, Inc.; National Federation of Filipino American Associations; Oakland Citizens Committee for Urban Renewal (OCCUR); Orange County Minority Business Council; Phoenix Urban League; San Francisco Black Chamber of Commerce; Search to Involve Filipino-Americans; Southeast Asian Community Center; Spanish Speaking Unity Council; TELACU; Vietnamese Community of Orange County, Inc.; West Angeles Church of God in Christ; and West Coast Black Publishers Association.

courts. Copies of the by-laws of Greenlining are attached to an NOI filed on March 4, 1999 in A. 98-12-005.

IV. GREENLINING SATISFIES THE REQUIREMENTS OF PU CODE §1804

PU Code § 1804 to establishes the requirements for eligibility for compensation, as set forth below.

A. NOTE ON TIMELY FILING

The statute mandates that Greenlining file an NOI within thirty days after the pre-hearing conference. CPUC Code § 1804(a)(1). In this proceeding, the first pre-hearing conference has not yet been held, therefore Greenlining's filing is timely.

B. GREENLINING'S STATEMENT OF THE NATURE AND EXTENT OF THEIR PLANNED PARTICIPATION

Greenlining believes this will be a very expensive and fully litigated proceeding. Greenlining offers the following costs and time commitments, with the understanding that the hours are dependent on the scope of the contested issues and length of the case.

Greenlining has not yet formulated a full and complete plan regarding the nature and extent of our participation. However, pursuant to CPUC Code § 1804(a)(2)(A)(i), Greenlining will be active in all aspects of the proceeding: (1) evaluating and recommending implementation of DIVCA, with an emphasis on low-income, minority, and limited-English speaking customers; (2) seeking to ensure that DIVCA promotes equal access to all customers and that carriers who seek franchises under DIVA provide reliable and programs to its customers, keeping the needs of

low-income and other vulnerable consumers in mind; (3) seeking to represent low-income, non-English speaking, and other underrepresented consumers of digital cable services; and (4) evaluate the impact of DIVCA implementation on underserved communities and franchisees under DIVCA ability to serve these customers.

C. ITEMIZED ESTIMATE OF COMPENSATION

Greenlining anticipates proceeding in this matter without the help of outside counsel. Pursuant to PU Code § 1804(a)(2)(A)(ii), Greenlining offers the Commission the following estimate of compensation. In view of the uncertainty inherent in this proceeding's future course, the budget below is only the roughest estimate of the fees, expenses, and time that Greenlining might incur in the prosecution of this case.

<u>Attorney and Advocate Fees for work in 2007²</u>	
Fees of Robert Gnaizda (200 hours at \$535/hour)	\$ 107,000
Fees of Thalia N.C. Gonzalez (100 hours at \$215/hour)	\$ 21,500
Fees of Mark Rutledge (100 hours at \$150/hour)	\$ 15,000
<u>Sub-Total</u>	<u>\$ 143,500</u>
<u>Other Costs</u>	
Postage, photocopies, deliveries, supplies and telephone	\$ 2,500
Travel	\$ 1,000
<u>Sub Total</u>	<u>\$ 3,500</u>
<u>Total</u>	<u>\$ 147,000</u>

² Greenlining considers these rates to be below market rates, given the many years of experience these attorneys have in the areas of regulated industries and consumer protection. Also these rates are far below what utilities' outside counsel, legal staff, and experts are paid in Commission cases. Greenlining may seek to secure information on these rates during the proceeding and, based on the information that it discovers, may provide notice that it seeks an enhancement of its own rates.

**C. PARTICIPATION IN THIS PROCEEDING WOULD POSE A
SIGNIFICANT FINANCIAL HARDSHIP**

In accordance with PU Code § 1804(a)(2)(B), Greenlining notes that the requisite finding of financial hardship was made within the last year.³ If the Commission deems it necessary, Greenlining will make a further showing of hardship at the time of filing its request for compensation.

**V. CONCLUSION: GREENLINING IS ELIGIBLE FOR INTERVENOR
COMPENSATION**

Greenlining has met the requirements of PU Code § 1804(a) and other applicable Commission rules. Greenlining is therefore eligible for compensation in this proceeding.

Dated: April 2, 2007

Respectfully submitted,

/s/ Robert Gnaizda

Robert Gnaizda
The Greenlining Institute

/s/ Thalia N.C. Gonzalez

Thalia N.C. Gonzalez
The Greenlining Institute

³ On September 12, 2006 Administrative Law Judge Timothy and Administrative Law Judge Econome ruled that: “The Greenlining Institute is a customer as that term is defined in § 1802(b)(1)(C) and has met the eligibility requirements of § 1804(a), including the requirement that it establish significant financial hardship. Greenlining is found eligible for compensation in this rulemaking.” *See* p. 12.

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CERTIFICATE OF SERVICE

I, Thalia N.C. Gonzalez, am 18 years of age or older and a non-party to the within proceeding. I am a resident and citizen of the State of California with the business address at the Greenlining Institute of 1918 University Avenue, Second Floor, Berkeley, CA 94704 and telephone number of 510-926-4002.

On April 2, 2007, I caused the following document:

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to be served upon all interested parties of record in R.06-10-005 named in the official service list via e-mail to those whose e-mail address is listed in the official service list and via first class mail with postage prepaid or facsimile to those whose e-mail address is not available.

I certify that the foregoing is true and correct.

Executed in Berkeley, California on April 2, 2007.

/s/ Thalia N.C. Gonzalez

Thalia N.C. Gonzalez

SERVICE LIST FOR R.06-10-005

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